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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,453	04/27/2006	Mark Vainio	006921.00010	3428

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BANNER & WITCOFF, LTD.
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON, DC 20005-4051

EXAMINER	
BATISTA, MARCOS	
ART UNIT	**PAPER NUMBER**
2617	

MAIL DATE	DELIVERY MODE
10/29/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/577,453	VAINIO ET AL.	
	Examiner	Art Unit	
	MARCOS BATISTA	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 July 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-8 and 10-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-8 and 10-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Art Unit- Location

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

2. This Action is in response to Applicant's amendment filed on 07/28/2008. Claims 1, 3-8, and 10-16 are still pending in the present application. This Action is made **FINAL.**

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1, 3, 4, 8, 10, 11, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bengtsson et al. (WO 02/102035 A2), hereafter "Bengtsson," in view of Findikli et al. (US 20050014531 A1), hereafter "Findikli."

Consider claim 1, Bengtsson discloses an apparatus comprising: media processing circuitry adapted to provide media processing functionality in the apparatus (**see fig. 2 col. 5 lines 20-35, col. 6 lines 1-34**); a connector adapted to establish a communication link between the apparatus and a mobile telecommunication terminal (**see fig. 1 #16, col. 5 lines 10-19**); wherein the apparatus is adapted to transfer a message to the mobile communications terminal comprising a command to the mobile communications terminal to disable the specified processing functionality in a second media processing circuitry, the second media processing circuitry located in the mobile telecommunication terminal (**see fig. 4, fig. 6, col. 9 lines 4-7, col. 11 lines 3-9**).

Bengtsson, however, does not particular refer to an accessory interface circuitry adapted to transfer a message to the mobile telecommunications terminal via the connector, said message

comprising a specification of at least a part of the media processing functionality provided by the media processing circuitry included in the apparatus.

Findikli, in analogous art, teaches an accessory interface circuitry adapted to transfer a message to the mobile telecommunications terminal via the connector, said message comprising a specification of at least a part of the media processing functionality provided by the media processing circuitry included in the apparatus (see fig. 1, abstract, pars.10 lines 1-10, 0015 lines 1-11).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Bengtsson and have it include an accessory interface circuitry adapted to transfer a message to the mobile telecommunications terminal via the connector, said message comprising a specification of at least a part of the media processing functionality provided by the media processing circuitry included in the apparatus, as taught by Findikli. The motivation would have been in order to dynamically provide capability upgrade to a mobile device (see par. 0005 lines 10-12).

Consider claim 3, Bengtsson as modified by Findikli discloses claim 1, Bengtsson further discloses wherein the accessory interface circuitry is adapted to receive a request, from the mobile telecommunications terminal, for a transfer of the message before transferring the message to the mobile communications terminal (see col. 7 lines 27-32 – Icon B is sent to the mobile telephone after the mobile telephone has sent the first Unicode value to the accessory device).

Consider claim 4, Bengtsson as modified by Findikli discloses claim 1, Findikli also teaches the apparatus comprising media transferring circuitry for transferring media data

between the accessory device and the mobile telecommunications terminal (see fig. 1, pars.10 lines 1-10, 0012 lines 1-9). The motivation would have been in order to dynamically provide capability upgrade to a mobile device (see par. 0005 lines 10-12).

Consider claims 8, 10 and 11, these are method claims corresponding to apparatus claims 1, 3 and 4. Therefore, they have been analyzed and rejected based upon the apparatus claims 1, 3 and 4 respectively.

Consider claims 15 and 16, these claims discuss the same subject matter as claims 1 and 4 respectively. Therefore, they have been analyzed and rejected based upon the rejection to claims 1 and 4.

7. Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bengtsson et al. (WO 02/102035 A2), hereafter "Bengtsson," in view of Findikli et al. (US 20050014531 A1), hereafter "Findikli," further in view of Lin (US 20020102998 A1), hereafter "Lin."

Consider claim 5, Bengtsson as modified by Findikli discloses claim 4 above. However, Bengtsson as modified by Findikli does not particular refer to wherein the media transferring circuitry is adapted to transfer audio data, video data or image data.

Lin teaches a media transferring circuitry is adapted to transfer audio data, video data or image data (see fig. 1, [0024]-[0026]).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Bengtsson as modified by Findikli and have it include a media transferring circuitry is adapted to transfer audio data, video data or image data,

as taught by Lin. The motivation would have been in order to facilitate access to the content offered by the content server or other networking devices (see [0028]).

Consider claim 12, this is method claim corresponding to apparatus claim 5. Therefore, it has been analyzed and rejected based upon the apparatus claim 5 above.

8. Claims 6, 7, 13 and 14, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bengtsson et al. (WO 02/102035 A2), hereafter "Bengtsson," in view of Findikli et al. (US 20050014531 A1), hereafter "Findikli," further in view of Zad Issa et al. (US 6751313 B2), hereafter "Zad."

Consider claim 6, Bengtsson as modified by Findikli discloses claim 1 above. However, Bengtsson as modified by Findikli does not particular refer to wherein the media processing circuitry is adapted to perform an echo-canceling algorithm.

Zad teaches wherein the media processing circuitry is adapted to perform an echo-canceling algorithm (see fig. 3, col. 7 lines 36-44).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Bengtsson as modified by Findikli and have it include a media processing circuitry is adapted to perform an echo-canceling algorithm, as taught by Zad. The motivation would have been in order to filter noise and regulate/remove unwanted sound from the communication media (see fig. 3, col. 7 lines 36-44).

Consider claim 7, Bengtsson as modified by Findikli discloses claim 1 above. However, Bengtsson as modified by Findikli does not particular refer to wherein the media processing circuitry is adapted to perform a frequency equalizing algorithm.

Zad teaches a media processing circuitry is adapted to perform a frequency equalizing algorithm (see fig. 4, col. 7 lines 36-44). The motivation would have been in order to filter noise and regulate/remove unwanted sound from the communication media (see fig. 4, col. 7 lines 36-44).

Consider claims 13 and 14, these are method claims corresponding to apparatus claims 6 and 7. Therefore, they have been analyzed and rejected based upon the apparatus claims 6 and 7 respectively.

Response to Arguments

9. Applicant's arguments with respect to claims 1, 8 and 15 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Marcos Batista, whose telephone number is (571) 270-5209. The Examiner can normally be reached on Monday-Thursday from 8:00am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Rafael Pérez-Gutiérrez can be reached at (571) 272-7915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Marcos Batista
/M. B./

/Rafael Pérez-Gutiérrez/
Supervisory Patent Examiner, Art Unit 2617

10/22/2008